

**MINUTES OF THE
JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE INTERIM COMMITTEE**

Wednesday, August 19, 2009 – 2:00 p.m. – Room 30 House Building

Members Present:

Sen. Jon J. Greiner, Senate Chair
Rep. Douglas C. Aagard, House Cochair
Rep. Lorie D. Fowlke, House Cochair
Sen. D. Chris Buttars
Sen. Lyle W. Hillyard
Sen. Scott D. McCoy
Sen. Ross I. Romero
Rep. Trisha S. Beck
Rep. Jim Bird
Rep. Richard A. Greenwood
Rep. Keith Grover
Rep. Eric K. Hutchings
Rep. Don L. Ipson
Rep. Brian S. King
Rep. Rebecca D. Lockhart

Rep. Kay L. McIff
Rep. Curtis Oda
Rep. Jennifer M. Seelig
Rep. Mark A. Wheatley
Rep. Larry B. Wiley
Rep. Carl Wimmer

Members Absent:

President Michael G. Waddoups
Rep. Sheryl L. Allen

Staff Present:

Stewart E. Smith, Policy Analyst
Susan Creager Allred, Associate General Counsel
Esther D. Chelsea-McCarty, Associate General Counsel
Amanda K. Majers, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Greiner called the meeting to order at 2:28 p.m.

MOTION: Sen. McCoy moved to approve the minutes of the June 17, 2009 meeting. The motion passed unanimously, with Sen. Buttars, Sen. Hillyard, Sen. Romero, Rep. Greenwood, Rep. Grover, Rep. Hutchings, Rep. Lockhart, Rep. Oda, and Rep. Wimmer absent for the vote.

2. Forfeited Property Report

Ms. Doreen Weyland, Contract/Grant Analyst, Utah Commission on Criminal and Juvenile Justice (CCJJ), distributed and discussed "Utah Asset Forfeiture Programs" and "Federal Equitable Sharing Report, Crime Reduction Assistance Program Update, and the Utah State Task Force Grant Update." She described the federal asset forfeiture sharing program and its effect on Utah law enforcement and state and local government agencies.

Mr. Richard Ziebarth, Program Manager, Drug Task Force Grant Project, CCJJ, explained the state asset forfeiture grant program. He described how the funds derived from forfeitures adjudicated in state courts are allocated through state grants.

Ms. Weyland and Mr. Ziebarth answered questions from the Committee.

3. Use of Criminal Surcharges and Fines for Funding Drug Task Forces

Mr. Ziebarth further discussed "Federal Equitable Sharing Report, Crime Reduction Assistance Program Update, and the Utah State Task Force Grant Update." He related the history of the Utah State Task Force Grant program to the Committee, and he detailed the distribution of funds that are used to facilitate

efforts to curtail crime and illegal drug activity from the Law Enforcement Operations Account to law enforcement and other agencies.

Mr. Ziebarth answered questions from the Committee.

Chair Greiner turned the chair over to Rep. Aagard for the next agenda item.

4. Criminal Offense Penalties Amendments

Mr. Paul Boyden, Executive Director, Statewide Association of Prosecutors, discussed 2010 General Session draft legislation, "Criminal Offense Penalties Amendments," which was distributed by staff at the meeting. Mr. Boyden explained that the draft legislation would enhance the penalty for an offense if it is committed for the benefit of, at the direction of, or in association with any criminal street gang. He noted the draft legislation would also modify the dollar value of damage that determines the level of offense for certain crimes. He also distributed and discussed "Historical Levels of Penalties for Theft Under Utah Code 76-6-412." Mr. Boyden spoke in favor of the draft legislation and stated that the Utah Sentencing Commission also endorses it.

Sen. Greiner added that the draft legislation had been adopted favorably by the Committee during the last interim, but the language has been changed to be more proactive toward gang activity.

Sen. Greiner and Mr. Boyden answered questions from the Committee.

MOTION: Sen. McCoy moved to adopt favorably 2010 General Session draft legislation, "Criminal Offense Penalties Amendments." The motion passed unanimously, with Sen. Buttars, Rep. Grover, and Rep. McIlff absent for the vote.

5. Interagency Coordination of Gang Activity

Sen. Luz Robles distributed and discussed 2009 General Session S.J.R. 21, "Joint Resolution on Combating and Reducing Gang Activity" and "Salt Lake City Gang Reduction Program." She advocated for state and local agencies to take a more comprehensive and collaborative approach to gang activity by focusing on prevention, suppression, and intervention at a community level with legislative support. Sen. Robles asked the Committee to endorse a resolution similar to S.J.R. 21 to support interagency coordination of gang activity.

Ms. Lohra Miller, Salt Lake County District Attorney, and Cochair, State Gang Task Force, spoke in favor of a resolution to support interagency coordination of gang activity. She reported on the State Gang Task Force's efforts to study and respond to gang activity. Ms. Miller emphasized that positive results in gang activity reduction come from proactive programs within the community not through the reactive efforts of law enforcement.

Ms. Leticia Medina, Cochair, Gang Reduction Project, and Executive Director, Colors of Success, spoke in favor of a resolution to support the interagency coordination of gang activity and reiterated that law enforcement cannot solve the gang problem without community involvement and intervention. She explained the social issues that contribute to, or result from, the prevalence of gangs in communities.

Ms. Medina informed the Committee of Mayor Ralph Becker's efforts to address gang issues in Salt Lake City through the implementation of the comprehensive gang model from the Office of Juvenile Justice and Delinquency Prevention, part of the United States Department of Justice.

Sen. Hillyard related his experience observing gang activity with law enforcement, and he encouraged other legislators to seek similar experiences to increase their understanding of the challenges facing law enforcement and the community in the effort to reduce gang activity.

Sen. Romero requested that Sen. Robles provide a draft of the proposed resolution for the Committee to review and make recommendations at its next meeting.

Rep. Hutchings informed the Committee of gang related issues affecting his community and spoke in favor of a resolution supporting interagency coordination of gang activity.

6. Controlled Substances Amendments

Rep. Trisha S. Beck, distributed and discussed "Drugs and Chemicals of Concern" and discussed 2010 General Session draft legislation, "Drug Law Amendments," which was distributed to the Committee prior to the meeting. Rep. Beck explained that the draft legislation is an effort to combat substance abuse by the Substance Abuse Task Force Study Group, a group composed of members from the Department of Professional Licensing, the Utah Office of the Attorney General, the Drug Enforcement Administration, the Salt Lake City Police Department, the Salt Lake County District Attorney's Office, and the Utah Council for Crime Prevention.

Mr. Chad Platt, Deputy District Attorney, Salt Lake County District Attorney's Office, spoke in favor of the draft legislation and also discussed "Drugs and Chemicals of Concern." He addressed the prosecutorial issues that would result from adding Soma, Ultram, and Ultracet as schedule IV controlled substances, and he detailed reasons for implementing the changes.

Mr. Justin Raines, citizen of Sandy, shared a personal experience relating to the use of Soma and spoke in favor of the draft legislation.

Ms. Beck and Mr. Platt answered questions from the Committee.

Rep. Beck asked for this issue to be on the next committee agenda.

7. Other Business / Adjourn

Chair Greiner adjourned the meeting at 4:05 p.m.